

PRESENT

Mayor Pro Tem Lynn Bowers
Commissioner Kathy Carter
Commissioner Doug Howard
Commissioner Rodney Williams
*Mayor May

(5)

ABSENT

(0)

The meeting was called to order by Mayor May. The Invocation was given by Rev. Lewis Newby, First Corinthian Baptist Church. John Hammond led in reciting the Pledge of Allegiance.

It was moved by Mayor Pro Tem Bowers, seconded by Commissioner Carter, that the minutes of the August 27, 2007 Regular Meeting and the September 10, 2007 Work Session, be approved as presented. The question was put upon the motion and the roll called. Voting in favor of the motion were Mayor Pro Tem Bowers, Commissioners Carter, Howard and Williams, and Mayor May (5). Voting against the motion were none (0). The motion was thereupon adopted.

Mayor's Report

Mayor May reported that September is Prostate Cancer Awareness Month, and he signed a Proclamation to that effect. He also commented on the Kentucky Folklife Festival and thanked the workers, and commented regarding the Compassionate Friends Golf event.

Ceremonial Items

Mayor May and Police Chief Walter Wilhoite recognized Detective Jeffrey S. Hulker, who is retiring after 25 years with the Frankfort Police Department.

"AN ORDINANCE AMENDING FRANKFORT CODE OF ORDINANCES CHAPTER 110, GENERAL LICENSING PROVISIONS, SECTION 110.04, NET BUSINESS PROFITS" was presented and read. This Ordinance had its first reading on August 27, 2007. Following discussion, it was moved by Commissioner Williams, seconded by Commissioner Carter, that the Ordinance be adopted. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Carter, Howard and Williams, and Mayor May (4). Voting against the motion was Mayor Pro Tem Bowers (1). The motion was thereupon adopted (Ordinance No. 31, 2007 Series).

"AN ORDINANCE AMENDING FRANKFORT CODE OF ORDINANCES CHAPTER 110, GENERAL LICENSING PROVISIONS, SECTION 110.03(A)(5)(C) was presented and read. This Ordinance had its first reading on August 27, 2007. Following discussion, it was moved by Commissioner Howard, seconded by Commissioner Carter, that the Ordinance be adopted. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Carter, Howard and Williams, and Mayor May (4). Voting against the motion was Mayor Pro Tem Bowers (1). The motion was thereupon adopted (Ordinance No. 32, 2007 Series).

"AN ORDINANCE FIXING THE RATE OF TAXATION FOR THE YEAR 2008 ON ALL MOTOR VEHICLES AND LEVYING A TAX FOR ALL CITY PURPOSES" was presented and read. This Ordinance had its first reading on August 27, 2007. It was moved by Commissioner Carter, seconded by Mayor Pro Tem Bowers, that the Ordinance be adopted. The question was put upon the motion and the roll called. Those voting in favor of the motion were Mayor Pro Tem Bowers, Commissioners Carter, Howard and Williams, and Mayor May (5). Voting against the motion were none (0). The motion was thereupon adopted (Ordinance No. 33, 2007 Series).

Mayor May declared the public hearing on Item 3.4, an Ordinance Fixing the Rate of Taxation for the Year of 2007 on all Tangible Property Subject to Tax, Trust, and Insurance Companies, Public Service Companies and Levying Said Tax for all City Purposes, open for public comments. There being no comments, it was moved by Commissioner Howard, seconded by Commissioner Williams, that the public hearing be closed. The question was put upon the motion and the roll called. Those voting in favor of the motion were Mayor Pro Tem Bowers, Commissioners Carter, Howard and Williams, and Mayor May (5). Voting against the motion were none (0). The motion was thereupon adopted and the public hearing closed.

"AN ORDINANCE FIXING THE RATE OF TAXATION FOR THE YEAR 2007 ON ALL TANGIBLE PROPERTY SUBJECT TO TAX, TRUST AND INSURANCE COMPANIES, PUBLIC SERVICE COMPANIES AND LEVYING SAID TAX FOR ALL CITY PURPOSES" was presented and read. This Ordinance had its first reading on August 27, 2007. It was moved by Mayor Pro Tem Bowers, seconded by Commissioner Williams, that the Ordinance be adopted. The question was put upon the motion and the roll called. Those voting in favor of the motion were Mayor Pro Tem Bowers, Commissioners Carter, Howard and Williams, and Mayor May (5). Voting against the motion were none (0). The Motion was thereupon adopted (Ordinance No. 34, 2007 Series).

"AN ORDINANCE AMENDING FRANKFORT CODE OF ORDINANCES, ORDINANCE NO. 32, 2006 SERIES TO CORRECT THE PROPERTY DESCRIPTION OF 92 ACRES OF PROPERTY ANNEXED ALONG HIGHWAY US 60" was presented and read. This Ordinance had its first reading on August 27, 2007. It was moved by Commissioner Howard, seconded by Commissioner Carter, that the Ordinance be adopted. The question was put upon the motion and the roll called. Those voting in favor of the motion were Mayor Pro Tem Bowers, Commissioners Carter, Howard and Williams, and Mayor May (5). Voting against the motion were none (0). The motion was thereupon adopted (Ordinance No. 35, 2007 Series).

"AN ORDINANCE TO AMEND THE CITY OF FRANKFORT'S CODE OF ORDINANCES –CHAPTER 152– BY AMENDING THE CITY OF FRANKFORT'S ZONING REGULATIONS - ORDINANCE NO. 8, 1983 SERIES, BY AMENDING ARTICLE 19 CONDITIONAL USES, SECTION 19.06 DAY CARE CENTERS, NURSERIES, KINDERGARTENS OF THE CITY OF FRANKFORT'S ZONING ORDINANCE" was presented and read.

"AN ORDINANCE PROVIDING FOR THE RECYCLING OF PLASTIC, GLASS AND ALUMINUM CONTAINERS AT FAIRS, FESTIVALS AND SPECIAL EVENTS" was presented and read.

Following discussion, "AN ORDER ESTABLISHING AN INVENTORY POLICY FOR THE CITY OF FRANKFORT" was presented. It was moved by Mayor Pro Tem Bowers, that the Order be amended to delete the phrase "continue maintaining" from first paragraph, line two, and replace with the word "maintain"; to delete Sections 1 and 2 and replace with a new Section 1 to read " Each item owned by the City with a value of \$100 or more will be identified, marked and inventoried annually;" renumber existing Section 3 as Section 2; and delete the word "tools" in the new Section 2. The motion failed to receive a second. Discussion followed. It was moved by Commissioner Williams, seconded by Commissioner Howard, that the Order be adopted as presented. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Carter, Howard and Williams, and Mayor May (4). Voting against the motion was Mayor Pro Tem Bowers (1). The motion was thereupon adopted (Order No. 7, 2007 Series).

"RESOLUTION AUTHORIZING THE ACCEPTANCE OF GRANT FUNDS OF \$725,000.00 FOR THE HOME FOCUS COMMUNITY PROGRAM AND DESIGNATING THE MAYOR TO EXECUTE ALL DOCUMENTS PERTAINING TO THIS GRANT" was presented. Following discussion, it was moved by Mayor Pro Tem Bowers, seconded by Commissioner Carter, that the Resolution be adopted. The question was put upon the motion and the roll called. Those voting in favor of the motion were Mayor Pro Tem Bowers, Commissioners Carter, Howard and Williams, and Mayor May (5). Voting against the motion were none (0). The motion was thereupon adopted (Resolution No. 10, 2007 Series).

Consent Agenda

Following discussion, the following miscellaneous and personnel items were presented:

- 6.1 Authorized the Mayor to sign a Joint Funding Agreement with the U.S. Geological Survey (USGS) to operate the gauging station upstream of Lock 4 in the Kentucky River; annual cost to the City is \$2,580 for period running from October 1, 2007 – September 30, 2008; funds are available in Account No. 200.68.53295 (Sewer Department);
- 6.2 Approved Change Order # 1 in amount of \$899,000 with James W. Fowler, Co. for the Holmes Street Microtunneling Project; revised contract total of \$3,440,560; funding to come from Kentucky General Assembly in the amount of \$2,405,811 with the balance from Holmes Street Drainage Account (Accounts No. 300.68.53295 and 635.00.51100 (Sewer Department and Public Works Department);
- 6.3 Authorized the lease-purchase of a new 2007 Street Sweeper with H.H. Hooper Machinery Co.; agreement to be a 5-year straight lease with annual payments of \$21,876,96, and city to own vehicle outright at end of 5-year period; funds available in Account No. 100.66.56550 (Public Works);
- 6.4 Authorized purchase of a new 2007 F450 Ford Dump Truck with snowplow for the Street Division; vehicle to be purchased through Kentucky State Price Master Contract # C-0600000524 in the amount of \$50,856; vendor for this vehicle is Collins Man-O-War Ford; funds available in Account No. 100.62.56550 (Public Works);
- 6.5 Authorized purchase of a new 2007 F250 Ford Crew cab pickup truck for the Street Division; vehicle to be purchased through Kentucky State Price Master Contract # C-0600000524 in the amount of \$22,553; vendor to be Collins Man-O-War Ford; funds available in Account No. 100.62.56550 (Public Works Department);\
- 6.6 Authorized a bid award to Schnell Contractors, Inc. to perform recommended repairs to the Sullivan Parking Garage; contract in the amount of \$153,433.50; funding available in Account No. 530.00.51100 (Public Works);
- 6.7 Authorized Change Order #3 with Affholder, Inc. for the East Main Outlet Tunnel Project; net deduction of \$167,072.51 to bring total contract cost to \$3,557,352.49; funds available in the Holmes Drainage Account (635.00.51100) for final payment (Public Works);
- 6.8 Authorized payment of RJ Corman Invoice for \$30,000 for reconstruction of the Clinton Street spur line; funding is available in the Holmes Street Drainage Account (Public Works);
- 6.9 Authorized the use of funds in Account No. 550 Frankfort Rental Rehab - 1989 (\$15,132.09); Account No. 540 Frankfort Housing Corporation (\$45,518.33); and Account No. 625 Revolving Loan Fund (\$12,847.26) as needed for the HOME Focus Community Program; funds in these accounts can only be used to aid Low to Moderate Income individuals in project (Grants Manager);
- 6.10 Authorized the following personnel actions:
 - Appointment of Matthew S. Burriss, effective 9-25-07, to position of Tech I (Sanitation)
 - Appointment of Terry L. Wooldridge, effective 10-16-07, to position of Pump Tech I (Sewer)
 - Appointment of Jessie J. Wilder, effective 10-9-07, to position of Wet Weather Coordinator (Sewer)
 - Appointment of Ricky L. Kelley, effective 9-25-07, to position of Tech III (Sewer)
 - Appointment of Bradley S. King, effective 10-9-07, to position of Tech I (Sewer)
 - Appointment of Tim D. Auberry, effective 9-25-07, to position of Tech I (Sewer)
 - Retirement of Jeff S. Hulker, effective 9-30-07, and authorized payment of all accrued time as of effective date (Police)

It was moved by Commissioner Carter, seconded by Commissioner Williams, that the Consent Agenda be approved. All members being present, the motion to approve the consent agenda was adopted without objection.

Board Appointments

At the request of Commissioner Carter, each Board appointment was voted on separately.

It was moved by Mayor Pro Tem Bowers, seconded by Commissioner Williams, to accept the Mayor's recommendation to reappoint Bennie R. Maffet to the Electric and Water Plant Board for a term ending 9-23-11. The question was put upon the motion and the roll called. Those voting in favor of the motion were Mayor Pro Tem Bowers, Commissioners Howard and Williams, and Mayor May (4). Voting against the motion was Commissioner Carter (1). The motion was thereupon adopted.

It was moved by Mayor Pro Tem Bowers, seconded by Commissioner Howard, to accept the Mayor's recommendation to reappoint Ann Wingrove to the Electric and Water Plant Board for a term ending 9-23-11. The question was put upon the motion and the roll called. Those voting in favor of the motion were Mayor Pro Tem Bowers, Commissioners Carter, Howard and Williams, and Mayor May (5). Voting against the motion were none (0). The motion was thereupon adopted.

It was moved by Mayor Pro Tem Bowers, seconded by Commissioner Carter, to accept the Mayor's recommendation to appoint Joseph R. Johnson to the Board of Zoning Adjustments to fill a vacancy for a term ending 9-23-11. The question was put upon the motion and the roll called. Those voting in favor of the motion were Mayor Pro Tem Bowers, Commissioners, Carter, Howard and Williams, and Mayor May (5). Voting against the motion were none (0). The motion was thereupon adopted.

Old Business

Upon the recommendation of Mayor Pro Tem Bowers and following discussion, it was agreed to discuss the position of Purchasing Agent at the October Work Session. At the request of Commissioner Carter, City Manager explained the status of the current hiring freeze. At the request of Commissioner Howard, proposed demolition of Old YMCA to be on October Work Session agenda for further discussion.

New Business

Following discussion and comments from citizens Natalie Wilkerson and Ann Gibbs, it was moved by Mayor Pro Tem Bowers to table the authorization to purchase property located at the corner of Shelby and West Second Streets, known as the Noonan Grocery Store property. The motion failed to receive a second. Following additional discussion, it was moved by Commissioner Williams, seconded by Commissioner Carter, to approve Agenda Item 9.1 to authorize the purchase of the Noonan Grocery Store property, located at the corner of Shelby and West Second Streets. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Carter, Howard and Williams (3). Those voting against the motion were Mayor Pro Tem Bowers and Mayor May (2). The motion was thereupon adopted.

Following discussion, it was moved by Mayor Pro Tem Bowers, seconded by Commissioner Carter, to approve Agenda Item 9.2, a proposed lease between the City of Frankfort and Capitol View Development, LLC, pertaining to the Blanton Landing property donated to the City of Frankfort by William O. Crumbaugh and Francis H. Crumbaugh. Terms of the lease to be for 5 years at \$5,000 per year, with two 5-year options at \$6,000 per year and \$7,000 per year respectively. Lease to commence on January 1, 2008. The question was called upon the motion and the roll called. Those voting in favor of the motion were Mayor Pro Tem Bowers, Commissioners Carter, Howard and Williams, and Mayor May (5). Voting against the motion were none (0). The motion was thereupon adopted.

Citizen Comments

Citizens making comments were Ann Gibbs, Maryam Kaykaroos, and Diana Looney.

Commissioner Comments

Comments were made by Mayor Pro Tem Bowers, and Commissioners Carter and Howard.

It was moved by Commissioner Howard, seconded by Commissioner Carter, to go into closed session per KRS 61.810 (1)(b)(c) and (f), property, litigation, and personnel. The question was put upon the motion and the roll called. Those voting in favor of the motion were Mayor Pro Tem Bowers, Commissioners Carter, Howard and Williams, and Mayor May (5). Voting against the motion were none (0). The motion was thereupon adopted, and the meeting went into closed session at 7:21 p.m.

(*Mayor May left at 8:45 p.m.)

It was moved by Commissioner Howard, seconded by Commissioner Carter, that the meeting return to open session. The question was put upon the motion and the roll called. Voting in favor of the motion were Commissioners Carter, Howard and Williams, and Mayor Pro Tem Bowers (4). Voting against the motion were none (0). The motion was thereupon adopted, and the meeting returned to open session at 8:51 p.m.

It was moved by Commissioner Howard, seconded by Commissioner Williams, that the meeting adjourn. The question was put upon the motion, and the motion adopted by voice vote. The meeting adjourned at 8:52 p.m.

Mayor

Attest:

City Clerk